

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Application of Liberty Launch Incorporated for a Certificate of Public Convenience and Necessity to operate as an on-call, door-to-door Passenger Stage Service between The City of Orange, Marine Corp Base Camp Pendleton and the City of Oceanside and points in the Counties of San Diego, Los Angeles, Orange and Riverside; and to establish a Zone of Rate Freedom.**

Application 12-09-020  
(Filed September 27, 2012)

**D E C I S I O N****Summary**

This decision grants the application of Liberty Launch Incorporated, pursuant to Pub. Util. Code § 1031 *et seq.*, for a certificate of public convenience and necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226.

**Discussion**

Liberty Launch Incorporated (applicant), and as supplemented by correspondences, requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage between The City of Orange, Marine Corps Base Camp Pendleton and the City of Oceanside on the one hand, and Los Angeles International Airport (LAX), San Diego International Airport (SAN), John Wayne International Airport (SNA), and Long Beach

Airport<sup>1</sup> (LGB) and all other points in the counties of San Diego, Los Angeles, Orange, and Riverside, on the other hand. Applicant will also provide service from the San Diego Cruise Ship Terminal.<sup>2</sup> Applicant states there has been an increase in passenger traffic from these locations and substantial growth is expected to continue in the foreseeable future. Airport expansion is still in San Diego's immediate future.<sup>3</sup> This expansion will result in an increased need for multi-passenger service. Increased parking fees and shortages of parking areas during peak travel periods have caused a large number of the public to desire and seek alternative for hire van shuttle door to door services. With their principal place of business located in Orange, California (CA), applicant states it will be able to service both the Los Angeles and San Diego International Airports.

Constantinos Roditis, applicant's principal owner, holds a transportation charter party (TCP) certificate (TCP 27722-A) since 2011. Applicant has 5 years of experience in the transportation industry as a driver and owner operator of limousines and shuttle services.

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<sup>1</sup> Los Angeles, San Diego, John Wayne International Airport, and Long Beach Airport are included in the application, but Applicant failed to include it in the application caption. Applicant included tariffs for Ontario Airport in the application but will not service this airport.

<sup>2</sup> San Diego Cruise Ship Terminal is included in the application, but Applicant failed to include it in the application caption.

<sup>3</sup> [http://www.san.org/sdcraa/airport\\_initiatives/adp/default.aspx](http://www.san.org/sdcraa/airport_initiatives/adp/default.aspx) San Diego International Airport page.

Attached to the application as Exhibit F is the balance sheet of Liberty Launch Incorporated as of March 7, 2013, which shows assets of \$27,749, liabilities of \$4,032, with a net worth of \$23,717. Ronditis' personal balance sheet shows assets of \$1,800,000, liabilities of \$1,423,605, with a net worth of \$376,533. Ronditis is also the principle owner of American Ground Transportation, Inc., a taxicab company in Orange, CA and San Diego County, CA. American Ground Transportation, Incorporated's balance sheet shows assets of \$595,372, liabilities of \$150,000, with a net worth of \$445,372. Applicant is in good financial position as well as able to rely on American Ground Transportation for assistance financially, if needed.

Applicant will initially operate the service with twelve 15 passenger vans, as shown in Exhibit D. Transportation will be offered on an on-call basis. The proposed one-way fares between the points to be served, as shown in Exhibit G of the application, ranges between \$10 - \$320 to San Diego Airport/Port, \$16 - \$35 to Orange County Airport (SNA), \$35 - \$63 to Los Angeles Airport (LAX), and \$20 - \$55 to Long Beach Airport (LGB). There will be discounted fares for passengers traveling together in a group.

Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$10 above and below the proposed fares. The minimum fare will be \$5. Applicant will compete with other PSCs, public transit, taxicabs, charter vehicles, and private automobiles in its service area. This competitive environment should result in Applicant pricing its services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 4, 2012. Applicant requests a waiver from the provisions of Rule 3.3(b) of the Commission's Rules of Practice and Procedure which require

service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice of the application to the listed counties and cities, and sent a copy of the application to the major public transit operators in the service area. Applicant believes the Commission's Daily Calendar provides adequate notice to parties that may have an interest in PSC applications. We shall exercise the discretion accorded to us by Rule 1.2 and grant the waiver requested by Applicant because it will be providing on-call service, not scheduled service, and service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3302 dated October 11, 2012, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3302.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Safety Considerations**

In order to be authorized to commence operations as a passenger stage corporation, the applicant must comply with the following requirements in order to protect public safety: Proof of adequate insurance, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

### **Assignment of Proceeding**

Emory Hagan is the assigned Examiner in this proceeding.

**Findings of Fact**

1. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between The City of Orange, Marine Corps Base Camp Pendleton and the City of Oceanside on the one hand, and Los Angeles, San Diego and John Wayne International Airport, and all other points in the counties of San Diego, Los Angeles, Orange, and Riverside, on the other hand.

2. Public convenience and necessity requires the proposed service.

3. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares described in Exhibit A of the application. The minimum fare will be \$5.

4. Applicant will compete with other PSCs, taxicabs, public transit, and private automobiles in his operations. The ZORF is fair and reasonable.

5. Applicant requests a waiver of the notice requirements of Rule 3.3(b) of the Rules of Practice and Procedure as he has served a notice of the application to the counties and the transportation planning agencies in the service area.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request to waive the notice requirements of Rule 3.3(b) should be granted.

3. The request for a ZORF should be granted.

4. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff

should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

5. Since the matter is uncontested, the decision should be effective on the date it is signed.

## **O R D E R**

### **IT IS ORDERED** that:

1. A Certificate of Public convenience and necessity is granted to Liberty Launch Incorporated, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-27722, subject to the conditions contained in the following paragraphs.

2. Liberty Launch Incorporated shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. They shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Liberty Launch Incorporated is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom of \$10 above and below the proposed fares described in the application. The minimum fare will be \$5.

4. Liberty Launch Incorporated shall file a Zone of Rate Freedom (ZORF) tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Liberty Launch Incorporated may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Liberty Launch Incorporated shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Liberty Launch Incorporated is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to any airport, Liberty Launch Incorporated shall notify the airport's governing body. Applicant shall not operate into or on

airport property unless such operations are authorized by the airport's governing body.

9. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation - 27722, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-27722

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Issued under authority of Decision \_\_\_\_\_, dated \_\_\_\_\_, of the  
Public Utilities Commission of the State of California in Application 12-09-020.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

Liberty Launch Incorporated, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. Service shall be provided only at the points named in Section II.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. The City of Orange, Marine Corp Base Camp Pendleton, the City of Oceanside, and the San Diego Cruise Ship Terminal
- B. Long Beach Airport, Los Angeles, San Diego and John Wayne International Airport, and all other points in the Counties of San Diego, Los Angeles, Orange and Riverside

SECTION III. ROUTE DESCRIPTION.

Commencing from The City of Orange, Marine Corp Base Camp Pendleton, the City of Oceanside, and the San Diego Cruise Ship Terminal, then over the most convenient streets and highways to Long Beach Airport, Los Angeles, San Diego, and John Wayne International Airport, and all other points in the Counties of San Diego, Los Angeles, Orange and Riverside.